

REMARKS

Claims 23, 25, 28-31, 33-37, 39, and 40 are pending in the application. Claims 23, 25, 28-31, and 33-37 stand rejected under § 103(a) as obvious in view of Potts '727 and Simpson '130, as set forth in sections 2 and 3 of the Office Action. Claim 33 stands rejected as obvious under § 103(a) in view of Potts '727 and Simpson '130 as applied above, and further in view of Gilbert '233 or Weipert '062, as set forth in section 4 of the Office Action. Claims 39 and 40 stand rejected as obvious under § 103(a) in view of Potts '727 and Simpson '130 as applied above, and further in view of Evers '282, as set forth in section 5 of the Office Action.

The obviousness rejection is premised on the assertion that it would have been obvious to one of ordinary skill in the art to substitute a non-ionic fluoropolymer, such as ZEPEL 7040 disclosed in Simpson '130, for one of the fluoropolymer additives of the molten extrusion compositions of Potts '727. In making this obviousness determination, the Examiner has given no patentable consideration to the "topically treated" limitation in claim 23 regarding application of the non-ionic fluoropolymer composition. As amended and presented herein, it is respectfully submitted that claim 23 patentably distinguishes over the proposed combination of references, as discussed below.

Potts '727 describes various embodiments wherein fluoropolymer compositions are added to the molten polymer composition in a melt extrusion process. The additive preferentially migrates to the surfaces of the melt-extruded fibers as the fibers are formed. Because of this characteristic, the Examiner has alleged that there is no distinguishable difference between the present invention and the laminate materials of Potts '727 with a non-ionic fluoropolymer composition as one of the additives. An

important and repeatedly emphasized characteristic of the extruded nonwoven materials in Potts '727 is that the additives present in any one of the melt-extruded nonwoven layers ***“must not migrate to an adjacent layer to a significant degree in use, so that the surface characteristics of each layer remains substantially as originally prepared.”*** (Column 14, lines 51 through 55) This distinction is again emphasized at column 7, lines 4 through 8: “The additive present in any melt-extruded nonwoven layer does not migrate to an adjacent layer to a significant degree in use so that the surface characteristics of each layer remains substantially as originally prepared.” In each example of Potts '727 that contains at least one spunbond and one meltblown layer, only one of the layers includes the fluoropolymer additive. Because the fluoropolymer additive does not migrate from the surface of the fibers in one layer to the fibers of the adjacent layer, the adjacent layer that does not contain a fluoropolymer composition maintains its initial characteristics. Thus, Potts describes the desirability of an SM or SMS material wherein at least one of the material layers does not include the fluoropolymer additive, and thus does not include the modifying characteristics of the fluoropolymer additive.


As amended herein, independent claim 23 calls for a topically treated nonwoven fabric laminate that includes at least one spunbond layer and at least one meltblown layer. The laminate further includes a dried coating of a non-ionic fluoropolymer composition on the spunbond and meltblown layers. The composition being applied in solution form to the laminate so as to permeate and coat the respective layers. It is respectfully submitted that sufficient distinguishing structure is explicitly and inherently present in claim 23 with respect to the non-ionic fluoropolymer coating. Claim 23

expressly calls for a “dried coating” from a composition applied in solution form. This gives the coating a definite structure. The dried coating of a solution applied to the laminate so as to permeate the material layers of the laminate results in a coating of the fibers throughout the various layers. This is opposite to the laminate construction of Potts '727, wherein it is repeatedly emphasized that the fluoropolymer additives do not migrate from one layer to another layer. There is no example in Potts '727 of an SM laminate material wherein each of the meltblown and spunbond layers has a coating of fluoropolymer composition. Accordingly, even if one skilled in the art were to substitute a non-ionic fluoropolymer additive for the additives in Potts '727, the resulting laminate material is still significantly different from the laminate of independent claim 23.

Accordingly, for at least the reasons set forth above, it is respectfully submitted that independent claim 23 patentably distinguishes over the applied references. The remaining claims depend directly or indirectly from independent claim 23 and only further patentably distinguish the laminate over the prior art references. With the present Amendment, it is respectfully submitted that all pending claims are allowable and that the application is in condition for allowance. Favorable action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at his convenience should he have any questions or require any additional information.

Respectfully submitted,

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